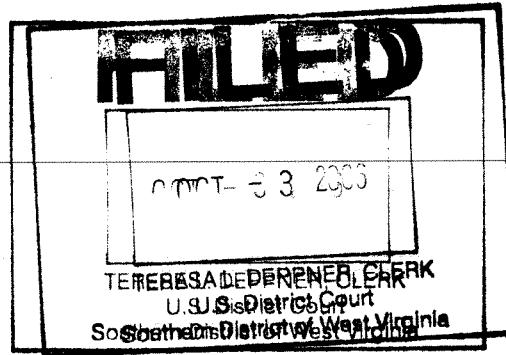


Harvey P. Short
1001 Centre Way
Charleston, WV 25309,

Plaintiff

v.



2:06-0852

William J. Charnock
Kanawha County Prosecutor's Office
700 Washington Street, East
Charleston, WV 25301; and,
Charleston Police Department
City of Charleston
Mayor Danny Jones
Brent Webster, Police Chief
Officer Van Horn
Officer Cooper
Officer Kuhner
Charleston, WV 25301; and,

Taser International, Inc.
9760 East McClain Drive
Suite 2
Scottsdale, Ar 85260; and,

Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

OCT -3

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Harvey P. Short
1001 Centre Way
Charleston, WV 25309

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg.# of each Plaintiff)

VERSUS

CIVIL ACTION NO. _____

(Number to be assigned by Court)

William J. Charnock, et al
700 Washington Street, East
Charleston, WV 25301

(Enter above the full name of the defendant
or defendants in this action).

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court
dealing with the same facts involved in this action or
otherwise relating to your imprisonment?

Yes _____ No ✓

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: South Central Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes No

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not: Relief Cannot Be Granted

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Harvey F. Short #1165915
Address: 1001 Centre Way Charleston, WV 25309

B. Additional Plaintiffs and Address:

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant William J. Charnock
is employed as Prosecutor
at Kanawha County Prosecutor's Office
- D. Additional defendants: Kanawha County Prosecutor Office
Charleston Police Department City of Charleston
Danny Jones
Brent Webster
Officer Van Horn
Officer Cooper
Officer Kuhner
IV. Statement of Claim Taser International Inc.

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

See Facts Attached.

- 1) On September 14, 2005, Officer Van Horn approached the Plaintiff while the Plaintiff was sleeping at an abandon house and shot the Plaintiff with a taser without warning or justification;
- 2) The taser had malfunctioned and was in a dangerous and defective condition due to manufacturer error;
- 3) That the Plaintiff suffered serious injury after being shot by Officer Van Horn of Charleston Police Department;
- 4) Three (3) Charleston Police Officers, Van Horn, Kuhner, and Cooper threw the Plaintiff head first on a Steel Floor and a concrete floor while the Plaintiff was handcuffed from behind his back;
- 5) That the officers used racial slurs at the Plaintiff during this incident;
- 6) That the Plaintiff suffered head and back injury as a result of the Defendants' actions in paragraph #3;
- 7) That the taser was inherently dangerous and negligently manufactured by Taser International, Inc.;

8) That Chief Brent Webster and Mayor Danny Jones bought the tasers from Taser International, Inc. to be used by police officers in Charleston without knowledge of its dangers, proper inspection, or investigation of the deaths and injury caused by the taser for proper training;

9) That Officer Van Horn was not properly trained by the City of Charleston and its Police Department to use the taser and that the taser was dangerous and not properly manufactured by Taser International, Inc for its intended use after over 150 people have died after getting shot with it;

10) That the City of Charleston's policy, custom, and regulation allowed the Defendant Van Horn to use the defective taser without proper training, without proper repair, without proper investigation, or consultation with Taser International, Inc about its risks of death and serious bodily injury;

11) Taser International, Inc. misrepresented the safety of its taser to the Defendants Van Horn,

Brent Webster, Danny Jones, and the City of Charleston;

12) That the Defendant Taser International, Inc.'s taser jammed and/or malfunctioned and the Plaintiff was subjected to 50,000 volts for a longer period of time than the taser was designed to;

13) On 9/14/06, Defendant Van Horn stopped the Plaintiff while investigating a robbery;

14) That the Defendant Van Horn shot the Plaintiff after stopping the Plaintiff;

15) That Defendant Van Horn maliciously prosecuted and charged the Plaintiff with fleeing to justify shooting the Plaintiff with the taser;

16) However, the fleeing charge was dismissed or dropped after the Grand jury failed to indict;

17) That Defendant Van Horn maliciously, wrongfully, and illegally charged the Plaintiff with fleeing, but it was dismissed after 6 months in jail;

18) That the City of Charleston and the Charleston Police Depart-

ment assisted Van Horn in maliciously charging the Plaintiff with fleeing;

19) That the Kanawha County Prosecutor's Office and William J. Charnock allowed the malicious and illegal charge to hold the Plaintiff in jail for 6 months; and,

20) The Plaintiff states that he is entitled to damages under Heck v. Humphrey, 512 U.S 477 488 (1994), because the charge was dismissed or dropped and his 4th Amendment U.S Constitutional Rights to be free of illegal seizures and charges were violated by the Defendants and the criminal proceedings on the fleeing charged was terminated in his favor in addition the Plaintiff was denied due process of law by the Defendants;

21) That the Defendants knew that they had no factual basis for the charge but continued to prosecute the Plaintiff anyway to violate his constitutional rights. That is was without probable cause.

IV. Statement of Claim (continued):

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The plaintiff prays for compensatory and punitive damages in the following amounts:

- 1) \$500,000.00 against each defendant in punitive damages; and,
- 2) \$300,000.00 against each defendant in compensation.

V. Relief (continued)

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons:

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No

If so, state the lawyer's name and address:

Signed this 29th day of September, 2006.

Harvey F. Short

1001 Centre Way

Charleston, WV 25309

Harvey F. Short

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 29th day of September.
(Date)

Harvey Short

Signature of Movant/Plaintiff

Signature of Attorney
(if any)